

**Minges, Allison**

**From:** Stark, David  
**Sent:** Monday, March 29, 2021 3:36 PM  
**To:** PSC\_Contact  
**Subject:** Fwd: [External] Dockets 2019-224-E and 2019-225-E [IMAN-CLIENTS.FID277621]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Carrie Schurg <carrie@rlwhitt.law>  
**Sent:** Monday, March 29, 2021 2:19:23 PM  
**To:** Stark, David <david.stark@psc.sc.gov>  
**Cc:** Heather Smith <heather.smith@duke-energy.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Nelson, Jeff <jnelson@ors.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Bateman, Andrew <abateman@ors.sc.gov>; Edwards, Nanette <nedwards@ors.sc.gov>; Jamey Goldin google <jameygoldin@google.com>; Weston Adams <weston.adams@nelsonmullins.com>; Samuel Wellborn <swellborn@robinsongray.com>; court.walsh@nelsonmullins.com <court.walsh@nelsonmullins.com>; Kate Lee <klee@selcsc.org>; Hall, Roger <RHall@scconsumer.gov>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; tspeer@turnerpadget.com <tspeer@turnerpadget.com>; Rob Smith <robsmith@mvalaw.com>; mkl@smxblaw.com <mkl@smxblaw.com>; Richard Whitt <richard@rlwhitt.law>; {F277621}.Clients@f8eed.imatech.work <{F277621}.Clients@f8eed.imatech.work>; Frank R. Ellerbe III <fellerbe@robinsongray.com>  
**Subject:** [External] Dockets 2019-224-E and 2019-225-E [IMAN-CLIENTS.FID277621]

This email was dictated by Richard Whitt:

David:

1. This email is responsive to Duke's counsel's email to you earlier this afternoon.
2. For the record, counsel's email is inaccurate and misleading. Counsel states that, "...the deadline for CCEBA to respond to DEC/DEP's Motion to Compel has passed...", implying that CCEBA has failed to respond to DEC/DEP's Motion. That implication is not true, and I call your attention to the Introduction to CCEBA's Motion for Protective Order. **Specifically**, CCEBA's Motion filed on March 18, 2021, contained the following language, "**In addition to CCEBA's timely Objections to "Discovery Request 1", described below, this Motion for a Protective Order is also timely interposed as being responsive to DEC/DEP's Motion to Compel.**"
3. Therefore, counsel's email to you ignores CCEBA's timely Objections to the Discovery Requests, and counsel's email also ignores CCEBA's Motion for Protective Order, which was timely interposed as being responsive to DEC/DEP's Motion to Compel filed with the Commission on March 11, 2021, i.e., **CCEBA's Motion was filed within 10-days** of DEC/DEP's Motion, as required by this Commission's Rules and Regulations.
4. Finally, DEC/DEP's counsel's email asks this Commission to ignore CCEBA's due process rights and CCEBA's right to file a Reply to DEC/DEP's Response, as expressly allowed in this Commission's R. 103-829(A). This Commission should carry over Wednesday's Agenda item and allow CCEBA to respond within the five-day time frame from this Commission's Regulation.

Respectfully Submitted,  
 Richard Whitt,

As Counsel for Carolinas Clean Energy Business Association.

**From:** Frank R. Ellerbe III <fellerbe@robinsongray.com>

**Sent:** Monday, March 29, 2021 1:53 PM

**To:** Carrie Schurg <carrie@rlwhitt.law>; david.stark@psc.sc.gov <david.stark@psc.sc.gov>; rlwhitt@rlwhitt.law <rlwhitt@rlwhitt.law>

**Cc:** Heather Smith <heather.smith@duke-energy.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; jnelson@ors.sc.gov <jnelson@ors.sc.gov>; Carri Grube-Lybarker <clybarker@scconsumer.gov>; Bateman, Andrew <abateman@ors.sc.gov>; Edwards, Nanette <nedwards@ors.sc.gov>; Jamey Goldin google <jameygoldin@google.com>; Weston Adams <weston.adams@nelsonmullins.com>; Samuel J. Wellborn <swellborn@robinsongray.com>; court.walsh@nelsonmullins.com <court.walsh@nelsonmullins.com>; Kate Lee <klee@selcsc.org>; Hall, Roger <RHall@scconsumer.gov>; jack.pringle@arlaw.com <jack.pringle@arlaw.com>; tspeer@turnerpadget.com <tspeer@turnerpadget.com>; Rob Smith <robsmith@mvalaw.com>; mkl@smxblaw.com <mkl@smxblaw.com>; Richard Whitt <richard@rlwhitt.law>; {F277621}.Clients@f8eed.imatege.work <{F277621}.Clients@f8eed.imatege.work>

**Subject:** RE: Dockets 2019-224-E and 2019-225-E [IMAN-CLIENTS.FID277621]

David:

I am sending this email to reply to the letter sent to you this morning by Richard Whitt in reference to Dockets 2019-224-E and 2019-225-E. As is reflected in our March 26<sup>th</sup> response to CCEBA's motion for a protective order, Duke filed a motion to compel on March 11<sup>th</sup> in these cases requesting that the Commission resolve the discovery dispute between CCEBA and DEC/DEP. Instead of responding to the DEC/DEP motion to compel, CCEBA filed a motion for a protective order. I would note that the deadline for CCEBA to respond to DEC/DEP's motion to compel has passed, and reiterate that responses to the discovery that has been propounded to CCEBA are necessary for DEC and DEP and their witnesses to prepare to testify at the hearing which is scheduled to begin less than a month from now. For that reason DEC and DEP have requested that the Commission either: (1) act expeditiously to reject the CCEBA motion for a protective order and grant the DEC/DEP motion to compel; or (2) schedule an oral argument on the motions on an expedited basis.

The discovery issues in dispute were first raised by the DEC/DEP motion to compel filed on March 11<sup>th</sup>. Those issues are ripe for resolution and should not be delayed for any further briefing.

Thank you for considering our position.

Frank



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**Supporting Green** print wisely.

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**From:** Carrie Schurg <carrie@rlwhitt.law>  
**Sent:** Monday, March 29, 2021 10:05 AM  
**To:** david.stark@psc.sc.gov  
**Cc:** Heather Smith <heather.smith@duke-energy.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; jnelson@ors.sc.gov; Carri Grube-Lybarker <clybarker@scconsumer.gov>; Bateman, Andrew <abateman@ors.sc.gov>; Edwards, Nanette <nedwards@ors.sc.gov>; Jamey Goldin google <jameygoldin@google.com>; Weston Adams <weston.adams@nelsonmullins.com>; Samuel J. Wellborn <swellborn@robinsongray.com>; Frank R. Ellerbe III <fellerbe@robinsongray.com>; court.walsh@nelsonmullins.com; Kate Lee <klee@selcsc.org>; Hall, Roger <RHall@scconsumer.gov>; jack.pringle@arlaw.com; tspeer@turnerpadget.com; Rob Smith <robsmith@mvalaw.com>; mkl@smxblaw.com; Richard Whitt <richard@rlwhitt.law>  
**Subject:** Dockets 2019-224-E and 2019-225-E

This email was dictated by Richard Whitt:

David:

Please see the attached Request, which was e-filed in Dockets 2019-224-E and 2019-225-E, this morning.

Regards,  
Richard Whitt.